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LOUIS PAUL HERZBERG 3 CLOVERDALE LANE MONSEY, NY 10952			EXAMINER BAYARD, DJENANE M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/933,625	Applicant(s) BISDIKIAN ET AL.	
	Examiner DJENANE M. BAYARD	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

/William C. Vaughn, Jr./

DETAILED ACTION

1. This is in response to communication filed on 12/24/07 in which claims 1-37 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 30 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized.

Response to Arguments

3. As per claims 1-37, Applicant's arguments have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so

long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the combined references are not concerned with the enabling of remote control of services at a residential network without the necessity of a service provider) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that Hefter fails to teach "connecting to a serving entity attached to said home data distribution network". However, Hefter clearly teaches wherein Base station 116 is comprised of an antenna 118 and a data port 120. RF signals transmitted by wireless telephones 100 are received by base station 116 via antenna 118 and then transmitted to a corresponding controller 112 via data port 120. Base station 116 is also adapted to receive signals from controller 112 via data port 120 and to transmit them to an in-range wireless telephone 100 via antenna 118. Base station 116 may have other components, as well, but these are not shown to facilitate description of the unique aspects of this embodiment of the invention. The hardware arrangement of this device, as well as other components discussed in this specification is intentionally shown as general, and is meant to represent a broad variety of architectures, which depend on the particular device used. Base station 116 can further be used to exchange or share

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data with a computer coupled to computer network 104. For example, a wireless telephone user may wish to upload information from wireless telephone 100 to computer 117. A user at computer 117 may correspondingly, download information from computer 117 to wireless telephone 100. In operation, information is routed from computer 117 to PSTN 110 and controller 112 before arriving at base station 116 for transmission to wireless telephone 100. When data are uploaded from wireless telephone 100 to computer 117, the information travels from wireless telephone 100 to base station 116 to controller 112, to PSTN interface 110 and then onto computer 117 (See col. 5, lines 25-52).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-26 and 27-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7, 092,699 to Hefter in view of U.S. Patent No. 6,735,619 to Sawada.

a. As per claims 1, 27- 30, Hefter teaches a service interaction method for a user to interacting with at least one remote service accessible through a home data distribution network, said home data distribution network comprising an aggregation of at least one communications

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media and at least one communications protocol used access said at least one remote service from a serving entity, the step of interacting comprising: employing only one of a cellular voice network and a PSTN, said user connecting a serving entity attached to said home data distribution network using a client device attached to a wireless, circuit-switched, voice telephony network (See col. 4, lines 43-54, col. 5, lines 25-52 and col. 9, lines 34-54). However, Hefter fails to teach obtaining and viewing a least one remote service from accessible remote services from said serving entity accessible remotely via said home network from said serving entity using least one of said communications media and one of said communications protocols; selecting said at least one remote service from said list; selecting said at least one communications media and at least one communications protocol that said selected at least one service uses; and accessing and viewing said least one remote service in obtaining desired results.

Sawada teaches a home network gateway apparatus and a home network device. Furthermore, Sawada teaches obtaining and viewing a least one remote service from accessible remote services from said serving entity accessible remotely via said home network from said serving entity using least one of said communications media and one of said communications protocols (See col. 1, lines 39-43, col. 2, lines 16-50); selecting said at least one remote service from said list (See col. ; selecting said at least one communications media and at least one communications protocol that said selected at least one service uses; and accessing and viewing said least one remote service in obtaining desired results (See col. 4, lines 45-56).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Sawada in the claimed invention of Hefter in order to make remotely control home devices (See col. 1, lines 30-34).

b. As per claim 2, Hefter teaches the claimed invention as described above. Furthermore, Hefter teaches wherein the client device is portable (col. 4, lines 43-45).

c. As per claim 4, Hefter teaches wherein the step of connecting includes dialing-up directly to the serving entity (See col. 9, lines 34-35)..

d. As per claim 5, Hefter teaches wherein the step of viewing is performed employing a viewing device collocated with said client device (See col. 5, lines 46-51).

e. As per claim 6, Hefter teaches wherein the viewing device depicts information in a form including at least one of: text, graphics, images, light display, voice or any combination of these (See col. 5, lines 46-51).

f. As per claim 7, Hefter in view of Sawada teaches the claimed invention as described above. However, Hefter fails to teach wherein the step of selecting includes employing a menu.

Sawada teaches wherein the step of selecting includes employing a menu (See col. 2, lines 27-38)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Sawada in the claimed invention of Hefter in order to make remotely control home devices (See col. 1, lines 30-34).

g. As per claim 8, Hefter in view of Sawada teaches the claimed invention as described above. However, Hefter fails to teach wherein the step of viewing is performed employing a web-browser and the serving entity is a web-server.

Sawada teaches wherein the step of viewing is performed employing a web-browser and the serving entity is a web-server (See col. 2, lines 27-38).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Sawada in the claimed invention of Hefter in order to make remotely control home devices (See col. 1, lines 30-34).

h. As per claim 9, Hefter teaches wherein the step of connecting includes dialing-up to the serving entity through a data network to which the serving entity is connected (See col. 9, lines 33-35).

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i. As per claim 10, Hefter teaches wherein the data network is the Intranet controlled by an Internet Service Provider (See col. 7, lines 21-63).

j. As per claim 11, Hefter et teaches wherein the data network uses the TCP/IP protocol suite for transporting information (See col. 7, lines 46-63).

k. As per claim 12, Hefter teaches said serving entity employing attributes of said circuit switch network in authenticating said user (See col. 9, lines 33-55).

l. As per claim 13, Hefter teaches wherein said attributes include a telephone number of said client device (See col. 9, lines 33-55).

m. As per claim 14, Hefter teaches wherein wherein said attributes include a telephone number of said serving entity (See col. 9, lines 33-55).

n. As per claim 15, Hefter teaches the claimed invention as described above. However, Hefter fails to teach establishing credentials so that said at least one remote service can be manipulated in a secure manner on the serving entity.

Sawada teaches establishing credentials so that said at least one remote service can be manipulated in a secure manner on the serving entity (See col. 10, lines 46-58).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Kawasaki et al in the claimed invention of Hefter in view of Sawada in order to manage home appliances through the telephone network (See col. 5, lines 19-29).

o. As per claim 16, Hefter teaches the claimed invention as described above. However, Hefter fails to teach wherein the step of viewing views the list on a viewing device in a manner that depends on the user's access privileges to said at least one remote service.

Sawada teaches wherein the step of viewing views the list on a viewing device in a manner that depends on the user's access privileges to said at least one remote service (See col. 2, lines 16-52).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Kawasaki et al in the claimed invention of Hefter in view of Sawada in order to manage home appliances through the telephone network (See col. 5, lines 19-29).

p. As per claim 17, Hefter teaches wherein the serving entity providing access to at least one service agent used to access and control said at least one remote service (See col. 9, lines 11-26).

- q. As per claim 18, Hefter teaches wherein at least one of said at least one service agent is a computer software module executable on a computer (See col. 9, lines 11-26).
- r. As per claim 19, Hefter teaches activating said software module prior to invoking a particular remote service (See col. 10, lines 44-64).
- s. As per claim 20, Hefter teaches activating said software module on demand after a particular remote service has been invoked (See col. 10, lines 44-64).
- t. As per claim 21, Hefter teaches storing said software module at a data repository (See col. 10, lines 44-64).
- u. As per claim 22, Hefter teaches storing further comprising dynamically retrieving and activating said software module from the data repository after invoking a particular remote service (See col. 9, lines 33-58).

- v. As per claim 23, Hefter teaches wherein said wireless, circuit-switched, voice telephony network is a first generation, analog, cellular network (See col. 4, lines 42-62).
- w. As per claim 24, Hefter teaches wherein said wireless, circuit-switched, voice telephony network is a second generation, digital, cellular network (See col. 4, lines 42-62).
- x. As per claim 25, Hefter teaches wherein the step of dialing-up directly to the service entity further includes passing dialing signaling and control data to the serving entity through an intermediary data network (See col. 5, lines 46-52).
- y. As per claim 26, Hefter teaches wherein the step of dialing-up to the serving entity through a data network, further includes dialing-up to the serving entity through a sequence of at least one data network, the last one of which the serving entity is attached to (See col. 5, lines 46-52 and col. 6, lines 27-48).
- z. As per claim 31, Hefter teaches a broadband network with enterprise wireless communication systems for residential and business environment. Furthermore, Hefter teaches an apparatus attaches on a home network for a user using a client device attached to a wireless, circuit-switched, voice telephony network, to interact with at least one service on said home

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network, said apparatus comprising: a telephone modem to directly receive an incoming call from a client device (See col. 7, lines 1-20), and also to receive and transmit data over a telephone network, said telephone modem having a client port through which the apparatus attaches to the telephone network (See col. 9, lines 33-57), said apparatus being a single apparatus through which a use with the user client device can establish communication in one step, said client device employing only one of a cellular voice network and a PSTN (See col. 4, lines 45-53); a dial-in service module to implement dial-in logic for the client device; and a protocol transport module to implement protocols needed to transport data back and forth between a browser application in the client device and a browser server module (See page 2, paragraph [0014]). However, Hefter fails to teach a browser server module for managing data for remote display and a protocol transport module to implement protocols needed to transport data back.

Sawada teaches managing data for remote display and a protocol transport module to implement protocols needed to transport data back (See col. 2, lines 20-49).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Sawada in the claimed invention of Hefter in order to in order to make remotely control home devices (See col. 1, lines 30-34).

aa. As per claim 32, Hefter in view of Sawada teaches the claimed invention as describe above. However, Hefter teaches wherein said browser server is used to obtain, organize, and manipulate data received from and data sent to the client device through the protocol transport module (See col. 8, lines 5-10).

ab. As per claim 33, Hefter in view of Sawada teaches the claimed invention as described above. However, Hefter fails to teach wherein said data sent to the client device are displayed and viewed by the browser application in the client device.

Sawada teaches wherein said data sent to the client device are displayed and viewed by the browser application in the client device. (See col. 2, lines 20-49).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Sawada in the claimed invention of Hefter in order to in order to make remotely control home devices (See col. 1, lines 30-34).

ac. As per claim 34, Hefter in view of Sawada teaches the claimed invention as described above. However, Hefter fails to teach wherein said data sent includes a list of services that are accessible by the client device.

Sawada teaches wherein said data sent includes a list of services that are accessible by the client device (See col. 2, lines 20-49).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Sawada in the claimed invention of Hefter in order to in order to make remotely control home devices (See col. 1, lines 30-34).

ad. As per claim 35, Hefter in view of Sawada teaches the claimed invention as described above. However, Hefter fails to teach wherein said data received by the browser application in the client device include a selection of at least one service the user of the client device controls

and an action to be taken for a selected service, and upon receipt of the action the browser server interacts with a particular service agent to implement the control logic for controlling the selected service, wherein a control signal generated by the service agent exits the apparatus through the client port.

Sawada teaches wherein said data received by the browser application in the client device include a selection of at least one service the user of the client device controls and an action to be taken for a selected service, and upon receipt of the action the browser server interacts with a particular service agent to implement the control logic for controlling the selected service, wherein a control signal generated by the service agent exits the apparatus through the client port (See col. 2, lines 20-49).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Sawada in the claimed invention of Hefter in order to in order to make remotely control home devices (See col. 1, lines 30-34).

ae. As per claim 36, Hefter in view of Sawada teaches the claimed invention as described above. Furthermore, Hefter teaches wherein said dial-in server module triggers at least one particular module in the apparatus to process any incoming calls and requests from a client device (See col. 9, lines 33-55)

af. As per claim 37, Hefter in view of Sawada teaches the claimed invention as described above. Furthermore, Hefter teaches wherein said dial-in server module performs user authentication (See col. 9, lines 11-25)

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 7,092,699 to Hefter in view of U.S. Patent No. 6,735,719 to Sawada as applied to claims 1 above, and further in view of U.S. Patent No. 6,988,070 to Kawasaki et al.

a. As per claim 3, Hefter in view of Sawada teaches the claimed invention as described above. Furthermore, Hefter teaches wherein the client device is a cellular telephone (See col. 4, lines 43-45); wherein the step of connecting includes dialing-up directly to the serving entity (See col. 9, lines 34-35); wherein the step of connecting includes dialing-up directly to the serving entity; wherein the viewing device depicts information in a form including at least one of: text, graphics, images, light display, or any combination of these (See col. 5, lines 46-51); wherein the step of connecting includes dialing-up to the serving entity through a data network to which the serving entity is connected (See col. 9, lines 33-55); wherein the data network is the Intranet controlled by an Internet Service Provider; wherein the data network uses the TCP/IP protocol suite for transporting information (See col. 7, lines 46-63); wherein said wireless, circuit-switched, voice telephony network is a first generation, analog, cellular network; wherein said wireless, circuit-switched, voice telephony network is a second generation, digital cellular network (See col. 5, lines 25-45); wherein the step of dialing-up directly to the service entity further includes passing dialing signaling and control data to the serving entity through an intermediary data network (See col. 9, lines 33-55); wherein the step of dialing-up to the serving entity through a data network, further includes dialing-up to the serving entity through a sequence of at least one data network, the last one of which the serving entity is attached to (See

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col. 9, lines 33-55); wherein at least one of said at least one service agent is a computer software module executable on a computer; serving entity employing attributes of said circuit switch network in authenticating said user, wherein said attributes include a telephone number of said client device, and wherein said attributed include a telephone number of said serving entity (See col. 9, lines 33-55); establishing credentials so that said at least one remote service can be manipulated in a secure manner on the serving entity (See col. 9, lines 11-26); the serving entity providing access to at least one service agent used to access and control said at least on remote service (See col. 9, lines 11-26) ; However, Hefter fails to teach wherein at least one of said at least one service agent is a computer software module executable on a computer; wherein the step of viewing the list on a viewing device in a manner that depends on the user's access privilege to said at least one remote service, activating said software module prior to invoking a particular remote service ; activating said software module on demand after a particular remote service has been invoked; storing said software module at a data repository; and dynamically retrieving and activating said software module from the data repository after invoking a particular remote service

Sawada teaches wherein at least one of said at least one service agent is a computer software module executable on a computer; wherein the step of viewing the list on a viewing device in a manner that depends on the user's access privilege to said at least one remote service (See col. 2, lines 16-52).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Sawada in the claimed invention of Hefter in order to make remotely control home devices (See col. 1, lines 30-34). However, Sawada fails to

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explicitly teach activating said software module prior to invoking a particular remote service ; activating said software module on demand after a particular remote service has been invoked; storing said software module at a data repository; and dynamically retrieving and activating said software module from the data repository after invoking a particular remote service.

Kawasaki et al teaches activating said software module prior to invoking a particular remote service; activating said software module on demand after a particular remote service has been invoked; storing said software module at a data repository; and dynamically retrieving and activating said software module from the data repository after invoking a particular remote service (See col. 3, lines 36-40 and col. 5, lines 19-29).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Kawasaki et al in the claimed invention of Hefter in view of Sawada in order to manage home appliances through the telephone network (See col. 5, lines 19-29).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DJENANE M. BAYARD whose telephone number is (571)272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Djenane Bayard

Patent Examiner

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144

Application Number 	Application/Control No.	Applicant(s)/Patent under Reexamination	
	09/933,625	BISDIKIAN ET AL.	
	Examiner	Art Unit	
	DJENANE M. BAYARD	2141	